

AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY MAY 11, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1747

Introduced by Assembly Member Weber
(Coauthors: Assembly Members ~~Chiu and Lopez~~ Chiu, Gonzalez,
***Lopez, and Williams*)**

February 2, 2016

An act to add Section 66025.93 to the Education Code, and to amend Sections 18904.3 and 18995 of the Welfare and Institutions Code, relating to food assistance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1747, as amended, Weber. Food assistance: higher education students.

(1) Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing state law authorizes a county to deliver CalFresh benefits through the use of an electronic benefits transfer (EBT) system. Existing federal law authorizes counties to participate in the Restaurant Meals Program.

~~Existing law establishes the Cal Grant Program under the administration of the Student Aid Commission, and establishes eligibility~~

~~requirements for awards under the program for participating students attending qualifying institutions. Existing law requires each Cal Grant participating institution, as a condition for its voluntary participation in the Cal Grant Program, to annually report to the commission specified information for its undergraduate programs.~~

~~This bill would require, as a condition of participation in the Cal Grant Program, require each public and private postsecondary educational institution to ensure that surcharge-free transactions are accessible on each campus through the EBT system. The bill would also require educational institutions that are *that is* located in a county that participates in the Restaurant Meals Program to apply to become an approved food vendor for the program, if the institution operates any qualifying food facilities on campus, or to provide contracting food vendors with specified information about the program. *By imposing these requirements on community colleges, this bill would impose a state-mandated local program.*~~

(2) Existing law requires the State Department of Social Services, if private nonprofit organizations are successful in raising money for CalFresh outreach activities and have secured a local governmental agency to serve as the contracting agency, upon request and subject to approval by the United States Department of Agriculture, to act as their state entity for the receipt of matching funds.

This bill would include public postsecondary educational institutions among the entities that may receive matching funds for conducting CalFresh outreach activities, as specified.

(3) Existing law requires the State Department of Social Services to establish and administer the State Emergency Food Assistance Program, to provide food and funding for the provision of emergency food to food banks, as provided. Existing law creates the State Emergency Food Assistance Program Account within the Emergency Food Assistance Program Fund and requires that moneys in the account, upon appropriation by the Legislature, be used by the program for the purchase, storage, and transportation of food grown or produced in California and for the department's administrative costs.

This bill would establish the Public Higher Education Pantry Assistance Account in the Emergency Food Assistance Program Fund, and would require that moneys in the account, upon appropriation by the Legislature, be allocated to the department for allocation to food banks that support on-campus pantry and hunger relief efforts serving low-income students, as specified.

(4) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to increase the
2 college graduation rates of low-income Californians and to reduce
3 the incidence of economic hardship and hunger among low-income
4 college students.

5 SEC. 2. Section 66025.93 is added to the Education Code,
6 immediately following Section 66025.92, to read:

7 ~~66025.93. (a) As a condition of its participation in the Cal~~
8 ~~Grant Program, all of the following shall apply to public and private~~
9 ~~postsecondary education institutions:~~

10 ~~(1) The institution shall ensure that surcharge-free transactions~~
11 ~~are accessible on each campus using the electronic benefits transfer~~
12 ~~(EBT) system established pursuant to Chapter 3 (commencing~~
13 ~~with Section 10065) of Part 1 of Division 9 of the Welfare and~~
14 ~~Institutions Code. This paragraph does not prohibit or limit the~~
15 ~~imposition of a surcharge by an owner or operator, other than the~~
16 ~~institution, of an automated teller machine on a campus, or an~~
17 ~~issuer of an EBT card, if the surcharge is otherwise permitted by~~
18 ~~law.~~

19 ~~(2) If the institution~~
20 ~~66025.93. (a) Each public or private postsecondary education~~
21 ~~institution that is located in a county that participates in the~~
22 ~~Restaurant Meals Program established pursuant to Section 2020~~
23 ~~of Title 7 of the United States Code, the institution Code shall do~~
24 ~~all of the following:~~

25 ~~(A)~~

1 (1) Apply to become an approved food vendor for the Restaurant
2 Meals Program, if the institution operates any qualifying food
3 facility on campus.

4 ~~(B)~~

5 (2) Annually provide all on-campus food vendors not operated
6 by the institution with information regarding the Restaurant Meals
7 Program and the manner in which to apply.

8 ~~(C)~~

9 (3) If an on-campus food vendor has been approved to
10 participate in the Restaurant Meals Program, annually inform
11 students about the program using information provided by the
12 State Department of Social Services.

13 (b) This section does not require an institution to create, operate,
14 or maintain an EBT system on behalf of on-campus food vendors.

15 ~~(c) To the extent any contract would be substantially impaired~~
16 ~~as a result of the application of this section, this section shall apply~~
17 ~~only to contracts renewed or entered into on or after January 1,~~
18 ~~2017.~~

19 SEC. 3. Section 18904.3 of the Welfare and Institutions Code
20 is amended to read:

21 18904.3. (a) If a private nonprofit organization or a public
22 postsecondary educational institution is successful in raising money
23 for CalFresh outreach activities and has secured a local
24 governmental agency to serve as the contracting agency, the
25 department shall, upon request and subject to approval by the
26 United States Department of Agriculture, act as the organization's
27 or institution's state entity for receipt of matching funds.

28 (b) Any reduction in federal funding to the state that is due to
29 the result of any audit of CalFresh outreach contracts or activities
30 shall be applied to the appropriate local government that served
31 as the contracting agency for CalFresh outreach activities.

32 SEC. 4. Section 18995 of the Welfare and Institutions Code is
33 amended to read:

34 18995. (a) On and after January 1, 2012, the State Department
35 of Social Services shall establish and administer the State
36 Emergency Food Assistance Program (SEFAP). The SEFAP shall
37 provide food and funding for the provision of emergency food to
38 food banks established pursuant to the federal Emergency Food
39 Assistance Program (7 C.F.R. Parts 250 and 251) whose ongoing

1 primary function is to facilitate the distribution of food to
2 low-income households.

3 (b) (1) The State Emergency Food Assistance Program Account
4 is hereby established in the Emergency Food Assistance Program
5 Fund established pursuant to Section 18852 of the Revenue and
6 Taxation Code, and may receive federal funds and voluntary
7 donations or contributions.

8 (2) Notwithstanding Section 18853 of the Revenue and Taxation
9 Code, the following shall apply:

10 (A) All moneys received by the State Emergency Food
11 Assistance Program Account shall, upon appropriation by the
12 Legislature, be allocated to the State Department of Social Services
13 for allocation to the SEFAP and, with the exception of those
14 contributions made pursuant to Section 18851 of the Revenue and
15 Taxation Code and funds received through Parts 250 and 251 of
16 Title 7 of the Code of Federal Regulations, shall be used for the
17 purchase, storage, and transportation of food grown or produced
18 in California. Storage and transportation expenditures shall not
19 exceed 10 percent of the SEFAP fund's annual budget.

20 (B) Notwithstanding paragraph (1), funds received by the State
21 Emergency Food Assistance Program Account shall, upon
22 appropriation by the Legislature, be allocated to the State
23 Department of Social Services for allocation to the SEFAP as
24 described in paragraph (1), and shall, in part, be used to pay for
25 the department's administrative costs associated with the
26 administration of the SEFAP.

27 (c) (1) The Public Higher Education Pantry Assistance Program
28 Account is hereby established in the Emergency Food Assistance
29 Fund established pursuant to Section 18852 of the Revenue and
30 Taxation Code.

31 (2) Notwithstanding Section 18853 of the Revenue and Taxation
32 Code, funds in the Public Higher Education Pantry Assistance
33 Account shall, upon appropriation by the Legislature, be allocated
34 to the State Department of Social Services for allocation to food
35 banks established pursuant to Parts 250 and 251 of Title 7 of the
36 Code of Federal Regulations that meet both of the following
37 criteria:

38 (A) The primary function of the food bank is the distribution
39 of food to low-income households.

1 (B) The food bank has identified specific costs associated with
2 supporting on-campus pantry and hunger relief efforts serving
3 low-income students.

4 *SEC. 5. If the Commission on State Mandates determines that*
5 *this act contains costs mandated by the state, reimbursement to*
6 *local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code.*